



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Date Allowed: August 22, 2007

SAITO, Shuji, et al.

Group Art Unit: 1645

Serial Number: 09/147,052

Examiner: **GANGLE, Brian J.**

Filed: April 5, 1999

P.T.O. Confirmation No.: 1182

FOR: **NOVEL FUSION PROTEIN, GENE THEREOF, RECOMBINANT VECTOR BEARING THE GENE AND RECOMBINANT VIRUS AS WELL AS USE THEREOF**

REQUEST FOR RETURN OF FORM PTO-1449

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 28, 2007

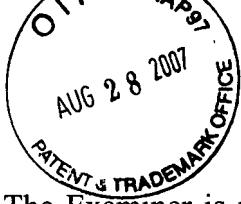
Sir:

An Information Disclosure Statement was filed on **September 25, 1998**. A copy of this Information Disclosure Statement is attached.

The PTO-1449 from this Information Disclosure Statement was returned with the Office action dated February 29, 2000, but two of the references, JP7-503842 and JP5-504253, were lined through to indicate they were not considered. No explanation was given as to why these two references were not considered.

Applicant respectfully submits that the Information Disclosure Statement was proper and these references should have been considered.

It is respectfully requested that the Examiner return a copy of the Form PTO-1449 which accompanies the Information Disclosure Statement, marked to indicate that the references listed therein have been considered by the Office. In this regard, Applicant notes that the concise explanation of relevance of the two references was provided by the PCT search report accompanying the original filing of the IDS.



The Examiner is requested to telephone the undersigned should he have any questions concerning this Request.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP



Daniel A. Geselowitz, Ph.D.

Agent for Applicant

Reg. No. 42,573

DAG/x1

Atty. Docket No. **981167**



23850

Suite 400

PATENT TRADEMARK OFFICE

1420 K Street, N.W.

Washington, D.C. 20005

(202) 659-2930

Enclosures: Copy of the Information Disclosure Statement filed September 25, 1998
Initialed PTO-1449 returned with the Office action dated February 29, 2000
PTO-1449



INFORMATION DISCLOSURE CITATION PTO-1449	Atty. Docket No. 981167	Serial No. 09/147,052
	Applicant(s): SAITO, Shuji, et al.	
	Filing Date: April 5, 1999	Group Art Unit: 1645

U.S. PATENT DOCUMENTS

Examiner Initial	Document No.	Name	Date	Class	Subclass	Filing Date (If appropriate)
_____	AA					
_____	AB					
_____	AC					
_____	AD					
_____	AE					

FOREIGN PATENT DOCUMENTS

	Document No.	Date	Country	Translation (Yes or No)
_____	AF 7-503842	04/27/95	Japan	No
_____	AG 5-504253	07/08/93	Japan	No
_____	AH			
_____	AI			
_____	AJ			

OTHER DOCUMENTS

_____	AK	
_____	AL	
Examiner		Date Considered



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Shuji SAITO et al.**

Serial Number: Not Yet Assigned

Filed: **September 25, 1998**

For: **NOVEL FUSION PROTEIN, GENE THEREOF, RECOMBINANT VECTOR BEARING THE GENE AND RECOMBINANT VIRUS AS WELL AS USE THEREOF**

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

September 25, 1998

Sir:

In compliance with 37 CFR 1.56, Applicants call to the attention of the Patent and Trademark Office the references listed on the attached PTO-1449. References AC, AD, AE, AF and AG are cited in the enclosed International Search Report. References AC, AH and AI are cited in the specification.

A copy of each of the references is enclosed herewith.

In the event there are any fees due in connection with the filing of this paper, please charge Deposit Account No. 01-2340.

Respectfully submitted,
ARMSTRONG, WESTERMAN, HATTORI
McLELAND & NAUGHTON

Atty. Docket No.: 981167
Suite 1000, 1725 K Street, N.W.
Washington, D.C. 20006
Tel: (202) 659-2930
Fax: (202) 887-0357
LNM/yap
Enclosures: PTO-1449; References (7) and International Search Report.

Le-Nhung McLeland
Le-Nhung McLeland
Reg. No. 31,541



**INFORMATION
DISCLOSURE
STATEMENT
PTO-1449**

Atty. Docket No. 981167 Serial No. New Appln.

Applicant(s): Shuji SAITO et al.

Filing Date: September 25, 1998 Group Art Unit:

U.S. PATENT DOCUMENTS

Examiner Initial	Document No.	Name	Date	Class	Subclass	Filing Date (If appropriate)
_____	AA AB					

FOREIGN PATENT DOCUMENTS

	Document No.	Date	Country	Translation (Yes or No)
_____	AC	WO 94/23019	10/13/94	PCT Abstract. See PCT Search Rpt. & pg. 2 of the specification.
_____	AD	7-503842	04/27/95	Japan No. See PCT Search Rpt.
_____	AE	5-504253	07/08/93	Japan No. See PCT Search Rpt.

OTHER DOCUMENTS

_____	AF	Yoshida et al.; Virology 220, pp.484-493, 1994. See PCT Search Report.
_____	AG	Nazerian et al.; Journal of Virology 66, Vol. 66, No. 3, pp. 1409-1413, March 1992. See PCT Search Report.
_____	AH	DeLuca et al., Virology 122, pp. 411-423, 1982. See pg. 4 of the specification.
_____	AI	Blacklaws et al., Virology 177, pp. 723-736, 1990. See page 4 of the specification.

Examiner

Date Considered

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STATEMENT
PTO-1449**

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OTHER DOCUMENTS

	AF	Yoshida et al.; Virology ²²⁰ , pp.484-493, 1994. See PCT Search Report.
	AG	Nazerian et al.; Journal of Virology ⁶⁶ , Vol. 66, No. 3, pp. 1409-1413, March 1992. See PCT Search Report.
	AH	DeLuca et al., Virology 122, pp. 411-423, 1982. See pg. 4 of the specification.
	AI	Blacklaws et al., Virology 177, pp. 723-736, 1990. See page 4 of the specification.

Examiner

Date Considered

 2/00